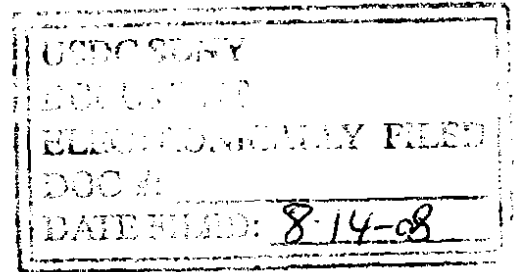


KEENAN / J

Norman C. Kleinberg (NK 2735)  
Theodore V. H. Mayer (TM 9748)  
William J. Beausoleil (WB 5296)  
HUGHES HUBBARD & REED LLP  
One Battery Park Plaza  
New York, New York 10004-1482  
(212) 837-6000

*Attorneys for Defendant Merck & Co., Inc.*



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN RE: :  
Fosamax Products Liability Litigation :

1:06-md-1789 (JFK)

-----X  
*This Document Relates to:* :  
Marion Goss, et al. :  
v. Merck & Co., Inc. :  
Case No: 1:07-cv-7290-JFK :  
-----X

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs in  
the above-captioned case and Defendant Merck & Co., Inc., ("Merck") through their  
respective undersigned counsel, as follows:

I. This case having been resolved upon the agreement of the Plaintiffs in the  
above-captioned case to voluntarily dismiss with prejudice their claims against Merck  
and the agreement of Merck not to seek from Plaintiffs its fees and costs. The following  
Plaintiffs are hereby dismissed from the above-captioned case with prejudice pursuant to  
Fed. R. Civ. P. 41(a)(1)(ii):

Gerald Christian;  
Leamond Jefferson;  
Bryan Iorio; and  
Jack Marion.

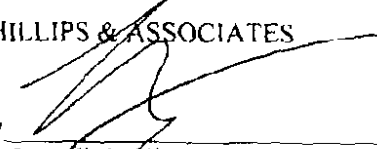
2. Each party is to bear its own costs and attorneys' fees.

*August 12*  
Dated: ~~April~~, 2008

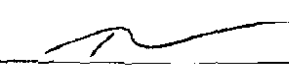
PHILLIPS & ASSOCIATES

HUGHES HUBBARD & REED LLP

By

  
Lowell W. Finson  
3030 N. Third St.  
Suite 1100  
Phoenix, AZ 85012-3049  
(602) 258-8900 ext. 295

By

  
Theodore V. H. Mayer (TM 9748)  
One Battery Park Plaza  
New York, New York 10004  
(212) 837-6888

*Attorneys for Plaintiff*

*Attorneys for Defendant Merck & Co, Inc.*

SO ORDERED:

  
Hon. John F. Keenan

*8/14/08*